

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVE BADUE, )  
Petitioner, ) No C 07-4612 VRW (PR)  
vs. ) ORDER DENYING  
R WATKINS, Parole Agent, ) CERTIFICATE OF  
Respondent. ) APPEALABILITY  
 ) (Docket # 23)

Petitioner has filed a notice of appeal and request for a certificate of appealability pursuant to 28 USC § 2253(c) and Federal Rule of Appellate Procedure 22(b). He also seeks leave to proceed in forma pauperis on appeal.

Based on petitioner's affidavit of indigence, his motion to proceed in forma pauperis on appeal (docket # 23) is GRANTED. But his request for a certificate of appealability is DENIED. Petitioner has not demonstrated that "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." Slack v. McDaniel, 529 US 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. See United States v Asrar, 116 F3d 1268, 1270 (9th Cir 1997).

SO ORDERED.

  
VAUGHN R WALKER  
United States District Chief Judge